

JOHN T. GORMAN
Federal Public Defender
400 Route 8, Suite 501
Mongmong, Guam 96910
Telephone: (671) 472-7111
Facsimile: (671) 472-7120

Attorney for Defendant
ROLANDO M. ABISIA

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,)	CR 96-00089
)	
Plaintiff,)	JOINT STIPULATION FOR
)	DISCRETIONARY RELIEF
vs.)	PURSUANT TO 18 U.S.C. § 3582(c)(2)
)	
ROLANDO M. ABISIA,)	
)	
Defendant.)	
_____)	

Comes now the Defendant ROLANDO M. ABISIA, by Federal Public Defender, John T. Gorman, and the United States of America, by Assistant United States Attorney Frederick A. Black, and hereby submit the following Joint Stipulation for Discretionary Relief pursuant to 18 U.S.C. § 3582(c)(2).

The parties agree and stipulate to the following:

A. Material Facts in Support of Joint Stipulation

1. Defendant was previously convicted and sentenced for offenses involving controlled substances.
2. On May 27, 1997, the Honorable John S. Unpingco, Chief Judge, sentenced Abisia to 360 months imprisonment for Conspiracy to Distribute Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 846, as set forth in the information. The Court previously found: (a)

that Defendant's total offense level was 41; (b) that Defendant's criminal history category was I; and (c) that the advisory guidelines sentencing range was 324 - 405 months.

3. Following imposition of this sentence, the U.S. Sentencing Commission promulgated Amendment 782, which took effect on November 1, 2014. Amendment 782: (a) reduces the guidelines offense levels across all drug types; and (b) with certain limitations, applies retroactively to defendants sentenced prior to November 1, 2014.

4. Defendant seeks a discretionary reduction in sentence pursuant to Amendment 782, and in accordance with 18 U.S.C. § 3582(c)(2) which (among other things) provides that, in certain circumstances, a sentencing court "may reduce the term of imprisonment."

B. Terms of Sentence Reduction Under 18 U.S.C. § 3582(c)(2)

Defendant is eligible for a discretionary reduction to the guideline imprisonment range. Pursuant to 18 U.S.C. § 3582(c)(2) and Guidelines Amendment 782: (a) Defendant's revised total offense level is 39; (b) Defendant's criminal history category remains I; and (c) the revised advisory guidelines sentencing range is 262-327 months imprisonment. Based on the foregoing, the parties jointly recommend that Defendant be sentenced to a revised term of 262 months imprisonment.

C. Waivers; Review and Consent of Defendant

1. Defendant knowingly and voluntarily waives any right to appeal any aspect of the revised sentence, provided that, if the revised sentence exceeds the recommended term of 262 months, Defendant may appeal that aspect of the revised sentence. See Declaration, attached as Exhibit 1.

2. Defendant (a) waives any right he may have to a hearing on his motion under 18 U.S.C. § 3582(c)(2); (b) waives any right he may have to attend such a hearing; (c) Defendant

has reviewed this stipulation with defense counsel; and (d) agrees with and consents to this stipulation. See Declaration, attached as Exhibit 1.

D. Addendum to PSR

The parties jointly request, for purposes of this Court's adjudication of Defendant's pending motion under 18 U.S.C. § 3582(c)(2), that this Court direct the United States Probation Office to submit an addendum to the Presentence Investigation Report (PSR), confirming Defendant's revised guidelines imprisonment range and describing any public safety factors (including Defendant's institutional history) relevant to this Joint Stipulation and discretionary relief under 18 U.S.C. § 3582(c)(2).

E. Acknowledgment of Reserved Rights


Notwithstanding this Joint Stipulation, the United States expressly preserves and does not waive its contentions that a defendant seeking relief under 18 U.S.C. § 3582(c)(2) has no constitutional or statutory right to counsel, to a hearing on the motion, or to be present at any hearing on the motion.

ALICIA A. LIMITIACO
United States Attorney
Districts of Guam and NMI

DATED: 3-25-15


FREDERICK A. BLACK
Assistant United States Attorney

DATED: 3/25/15


JOHN T. GORMAN
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,)	CR 96-00089
)	
Plaintiff,)	DECLARATION IN SUPPORT OF
)	JOINT STIPULATION UNDER
vs.)	18 U.S.C. § 3582(c)(2)
)	
ROLANDO M. ABISIA,)	
)	
Defendant.)	
_____)	

1. I, ROLANDO M. ABISIA, am the Defendant in the above-captioned case and the movant seeking relief in a pending motion under 18 U.S.C. § 3582(c)(2).


2. I have read and discussed with my attorney, Federal Public Defender, John T. Gorman, the "Joint Stipulation Under 18 U.S.C. § 3582(c)(2)," (the "Joint Stipulation") to be filed in this case.

3. I agree with and consent to the Joint Stipulation.

4. My attorney has explained my appellate rights to me. I hereby knowingly and voluntarily waive the right to appeal any aspect of the revised sentence imposed by the Court under the terms of the Joint Stipulation, provided that, if the revised sentence exceeds the recommended term of 262 months imprisonment, I may appeal that aspect of the revised sentence.

5. I hereby waive any right I may have to a hearing on my pending motion for discretionary relief under 18 U.S.C. § 3582(c)(2), or to attend such a hearing.

DATED: FEB 09, 2015


ROLANDO M. ABISIA
Defendant